

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

BRIDGET STEWART,

Plaintiff,

Case No. 2:23-cv-12296

v.

Honorable Susan K. DeClercq
United States District Judge

WAYNE COUNTY PROBATE COURT
et al.,

Honorable David R. Grand
United States Magistrate Judge

Defendants.

**ORDER ADOPTING REPORT AND RECOMMENDATION, DENYING
WITHOUT PREJUDICE DEFENDANTS' MOTION TO DISMISS,
GRANTING LEAVE TO AMEND COMPLAINT, AND GRANTING
LEAVE TO FILE SECOND MOTION TO DISMISS**

On April 12, 2024, Magistrate Judge David R. Grand issued a report recommending that this Court deny Defendants' motion to dismiss and grant Plaintiff leave to amend the complaint. ECF No. 32. Judge Grand provided 14 days to object, but the parties did not do so. They have therefore forfeited their right to appeal Judge Grand's findings. *See Berkshire v. Dahl*, 928 F.3d 520, 530–31 (6th Cir. 2019) (citing *Thomas v. Arn*, 474 U.S. 140, 149 (1985)). Moreover, there is no prejudicial clear error in the report.

Accordingly, it is **ORDERED** that the Report and Recommendation, ECF No. 32, is **ADOPTED**,

Further, it is **ORDERED** that Defendants' Motion to Dismiss, ECF No. 12,

is **DENIED WITHOUT PREJUDICE**.

Further, it is **ORDERED** that Plaintiff is **GRANTED** leave to file an amended complaint **on or before May 30, 2024**.

Further, it is **ORDERED** that Defendants are **GRANTED** leave to file a second motion to dismiss on or before 21 days after being served with the amended complaint.

Dated: May 2, 2024

/s/Susan K. DeClercq
SUSAN K. DeCLERCQ
United States District Judge